Access to Electronic Court Records

Final Report
of the Ad Hoc Committee
Appointed by the
Judicial Council

April 1, 1996

Access to Electronic Court Records

Final Report
of the Ad Hoc Committee
Appointed by the
Judicial Council

Published by
Administrative Office of the Courts
230 South 500 East
Suite 300
Salt Lake City, Utah 84102

April 1, 1996

This committee issued a report dated August 25, 1995 containing draft rule amendments necessary to implement the recommendations of the committee. These rule amendments were circulated for public comment, as required by the Judicial Council. The committee met to consider the comments received and amended its recommendations in light of those comments. This report contains the further amendments to the report and to the rules made as a result of the public comment process. The rules contained in this report have been approved by the Judicial Council to be effective April 1, 1996

Table of Contents

Committee Members

Hon. James Z. Davis	Court of Appeals
Hon. Frank G. Noel, Chair	District Court
Hon. Sharon P. McCulley	Juvenile Court
David O. Nuffer, Esq.	Snow, Nuffer, Engstrom, Drake, Wade & Smart
Bradley P. Rich, Esq.	Yengich, Rich & Xaiz
Hon. William A. Thorne	District Court

Committee Staff

Brent M. Johnson, Esq.
Eric G. Leeson
Timothy M. Shea, Esq.
MariJane K. Turner
Rolen S. Yoshinaga

Administrative Office of the Courts

Introduction

The Judicial Council appointed this committee in December 1994 to consider the competing interests of privacy in and public access to the information accumulating in the courts' computer systems. In the letter charging the committee with its task, the Chief Justice writes:

> The judiciary is accumulating information in electronic media, information used to improve the efficiency of and to monitor judicial activities, as well as to formulate new policies and procedures. The cumulative nature of the information and its easy accessibility may mean that individuals to whom the information pertains may have a greater privacy interest in the accumulated information than in any individual piece of information kept in hard copy. It will be the goal of this committee to recommend to the Judicial Council modifications to existing rules and to suggest additional rules governing access to information which may be contained within a computer program or other electronic media. Those rules will need to balance individual privacy concerns with public access interests.

The Judicial Council identified these issues as ripe for debate and resolution at its Annual Planning Workshop in 1994. During that meeting, Professor George B. Trubow, Director of the Center for Informatics Law at the John Marshall School of Law in Chicago, engaged the Council in a discussion of electronic information within the judiciary, the interests of the public in access to that information, and the interests of individuals in maintaining the privacy of that information. Professor Trubow summarizes the issue:

> Information is available today in quantity and quality never before imagined; it can be manipulated, processed, and disseminated throughout the world at the speed of light. The barriers to the use and dissemination of information that are inherent in the "four corners" of a paper document disappear when the information in that document is stored electronically, accessible through wired and wireless networks that girdle the earth. Consequently, "freedom of information" and the "right to know" conflict with opposing claims of privacy and confidentiality as never before.

With the development of CORIS,[1] the Utah judiciary has embarked on a major effort to modernize its computerized case management system. The information to be recorded in this new system is information that judges, clerks, managers, and judicial policy makers need and use. The information might be used to manage a particular case, to keep case assignments equivalent and current, or to determine the impact of new statutes, rules, or other policies. The information to be recorded is, for the most part, information that has always been recorded in docket books, in case files, or even in earlier generations of computers. The formatting of the information into fields, however, rather than the textual entries of the past, facilitates the attributes of computers discussed below.

[1] **CO**urt **R**ecords **I**nformation **S**ystem.

Nearly all of what occurs in district court, circuit court, and the appellate courts is a matter of public record. Hearings generally are open to the public, and records generally are available to the public. But the public has expressed only modest interest because obtaining paper records has always been difficult, time consuming, and costly. Computers change that. Computers make available in a real sense information that has heretofore been considered public, although difficult to obtain.

Computers also create a new type of record. The ability of computers to compile and to collate creates a record not just of an individual case, but also a record of the collection of cases. The underlying information necessary to form a compilation has always been present; recorded, but difficult to obtain. The opportunity to compile the information has always been available to anyone with the time and the interest. Now, the computer routinely compiles information as a simple by-product of managing each individual case. The computer is capable, in a matter of minutes or hours, of generating reports regarding statistics, trends, and profiles that once would have required weeks or even months of research and tabulation.

The computer makes possible the transfer of data, not just a report of data. In current Utah statutes and court rules the definitions of the term "record" are such that, for computerized records, the data itself and not just a report of the data can be obtained.[2] Once the data have been copied from the court computer to the computer of the requester, the manipulation, use, and possible misuse of the data are outside the control of the courts.

These and other attributes of the computer have changed the environment in which the courts, and government in general, operate.

Issues and Objectives

Although the debate of the committee focused almost exclusively on access to computerized records, this report and the new and amended rules proposed by the committee are not technical in nature. We believe the issues are not computers and other advanced technologies. These are merely the tools, the machines that have brought the issues into a new light. The issues themselves are more fundamental:

- ◊ The ability of the public to observe and know about its institutions of government, in this case the courts, and the officers that serve within its government.
- ◊ The ability of individuals, whose lives form the information that we record, to keep all or part of their lives from unwanted public inquiry.
- ◊ The ability of the judges to make impartial decisions based on the facts of the particular case and the law without regard to the popularity of the decision or to the outside influence made possible by the computerized accumulation of information.

[2] UCA §63-2-103(18)(a); CJA 4-202.01(9)(a).

All of the work of the committee was an attempt to establish a proper balance among these interests. The committee did not amend the rules regarding the classification of information as public, private, controlled, protected, or sealed. An overriding principle to all that the committee recommends is that only public records are available by means of the computer. The computer does not make public that which has been confidential, nor confidential that which has been public. However, as the committee learned, the computer does not merely recreate an existing record in a new format. The computer creates a new type of record, and the balancing of interests that favors making a paper record of a fact or of an event public, may favor making the computer record of that same fact or event confidential, at least in some limited instances.

The committee anticipates the use of computers for primary access to court information. We believe the rules encourage this use. However, not all public information should be available through the computer. The rules build easy computerized access to that portion of the public record that we believe should be available through the computer. The rules simply deny computerized access to those parts of the public record that we believe would be intrusive to an individual's privacy interests. The information on the paper records remains public; but access is limited to the paper records.

The Government Records Access and Management Act (GRAMA) permits the classification of information as "private" if disclosure would constitute a "clearly unwarranted invasion of personal privacy."[3] The committee does not see a need to go so far as to reclassify what is public in the paper records. Rather, computerized records require that the balance between the right of public access to the institutions of government and the right of privacy for the subject of a record be recast. The traditional test remains the same, but the computer introduces new factors, principally ease of access and ease of redistribution. If striking this new balance favors privacy interests, the paper record should remain public, but electronic access to the information should be denied.

The committee determined as its principal objective reducing the competing policies into as brief and as understandable a rule or series of rules as possible. Balancing competing interests is a proper task of a committee such as this, the Judicial Council, or the Legislature. The rules that result from striking that balance should be capable of simple administration in the day-to-day operation of the courts. Recognizing the strength of the computer to store, collate, and transfer information, the committee decided not to rely upon "speed bumps" to make access to the information difficult. Rather, the committee debated the merits of making certain bits and pieces of information available -- or not -- electronically.

The results of this approach are reflected in the rules. Information that the committee recommends should be available electronically will be made available quickly, easily, and at a cost far below the cost to the court to produce the information. Information that the committee recommends should not be available electronically is not available through the computer. The rules focus on the smallest manageable unit of computerized information, the field. The rules

[3] Section 63-2-302(2)(d).

provide that the data within the field, not just a report of the data, will be made available.[4] Reports generated by case management applications in the computer are subject to the same restrictions as access to the information directly through the computer. Reports other than those generated by the case management applications will continue to be regulated by existing statutes and rules. The rules provide for the transfer of the data by an electronic on-line service or by copying the data to a disk.

The rules govern only information contained in the courts' case management computer programs. Word processing documents, electronic spreadsheets, computerized personnel and finance records, and the like are not within the scope of the rules. Whether these other electronic records are public and whether they are available through the computer depends upon the construction of existing statutes and rules. The rules do include the juvenile court, but, because most records of the juvenile court are not public, the rule will have only modest application in that court. The operation of these rules upon H.B. 311, Opening Juvenile Court Records, passed by the 1994 Legislature would permit the electronic dissemination of the delinquency history summary.

The rules impose no obligation upon the court either to create a data element or to make a data element available if to do so is not technologically feasible. In CORIS, the data elements listed in the rules exist and can be transferred without difficulty. Not all of the data elements exist in the earlier generations of information management systems, and, for those that do exist, transfer of the data is much more difficult. Thus, the protection in the rule is necessary.

A request for data and an appeal of a denial are not affected by these rules and will follow existing law.

Summary or Compiled Data

The committee focused extensively on the ability of the computer to compile and to collate data. These are two principal strengths of computers that must be recognized and used to their best purpose. These strengths also account for the intrusiveness of computers. The ability of computers to compile information regarding a person allows the user to create a dossier of the subject. The ability of the computer to collate any field of data in the data base with any other field allows the user to cast the information in a light never intended.

These compilations, however, show the public the operation of the courts. The compiled records do not show a particular decision in a particular case. Rather, the records contain the statistics, the trends, and the profiles made possible by the accumulation of individual cases.

[4] In its draft policies regarding the dissemination of electronic data, the State of Washington would prohibit the transfer or down loading of data in this manner. Such a policy ignores one of the most powerful features of the computer.

In order to balance the interests of the public in observing the workings of the court as an institution of government and the interests of the individuals involved in particular cases in maintaining their privacy, the committee divided court information into two types: information from which an individual can be identified, either directly or indirectly; and information that does not identify an individual. Only the latter is available in a compiled format. The former is available on a case by case basis, but is not available in a compiled format, except through one of eight indexes.

Knowledge about the general operation of the courts relies upon the accumulated data from individual cases, but the identity of the individuals involved in those cases, the litigants, the lawyers, the witnesses, even the judge, is irrelevant. Thus, information regarding demographics, case processing time, amounts in controversy, amounts of judgment, sentencing, and the many other fields of data collected during the processing of a case are available in a compiled format, provided that name, address, phone number, and other individual identifiers have been secured from public view.

To accomplish this result, the committee recommends amending the definition of summary data in Rule 4-202.01. Summary data should continue to include statistical summaries. Summary data should be amended to also include the actual data elements in a compiled format redacted as explained above. To show the operation of the court, data elements should be compiled for geographic units no smaller than the county.

Person Specific Data

Apart from understanding the general operation of the courts, the public has a legitimate interest in the facts of any given case. Inquiries regarding a particular case necessarily involve identification of the persons involved in that case. The committee recommends that most information about the individual, as opposed to information about the case, not be available in an electronic format even on a case by case basis. Upon review, the committee found that the courts maintain very little information about individuals. Although the rules will restrict access to some public information to the paper records, the restriction is actually very modest. Under these rules, most of the pertinent information recorded in the computer will be available through the computer.

Personal Identification Information

The committee recommends that some personal identification information about the parties not be made available on-line in a case by case inquiry. Some comments accused the committee of failing to engage in the balancing of privacy interests of individuals and the interests of the public in access. On the contrary, the committee's recommendation is based entirely upon just such an analysis. Certain personal identification information is necessary for the management of a case, and this should be made available on-line. Certain personal identification information is needed for statistical research, and this should be made available on-line. But where information

personal to an individual serves neither purpose, the courts have a duty to protect the privacy of the subject of the record. Such an approach is well within the parameters of GRAMA.

Under GRAMA, and our own court rules, any recording of a fact or of an event is a record. If the fact or event is recorded in more than one medium -- for example, paper, audio tape, and computer -- each recording constitutes a separate record available to the public upon request, unless the record is classified as private. GRAMA prohibits the use of the format or medium of a record to deny access to the record. However, GRAMA does not prohibit the classification of one record of a fact as public and the classification of another record of that same fact as private if the balancing of the right of public access and the right of privacy yields such a result. The recording of personal identification information in a computer, as opposed to the traditional paper record, does yield this result.

The Judicial Council has classified the case file as a public record. The case file often contains the home address, telephone number, and date of birth of the party. On a less regular basis, the case file may also contain a party's social security number, race, and gender. GRAMA classifies as private similar information pertaining to state employees.[5] The committee believes it would have been permissible to classify this information within the case file as private and to redact it from copies of pleadings provided to persons making a records request. Obviously, this would be incredibly burdensome. As much for the benefit of the court staff as for public access, the entire case file is open for public inspection and copying.

The courts also maintain this personal identification information in electronic records. Once an electronic record is made available, it is easily capable of worldwide distribution. Select pieces of electronic records can easily be redacted simply by not including the specified field in the data base. Providing personal identification information to a worldwide audience is too great an invasion of privacy to be justified by the need for public access to court records. If there is a need for the information, it can be obtained from the case file or by telephone or written inquiry.

There are limits, however, to one's expectation of privacy in a public forum such as the court. Date of birth of a party is routinely used as a verification of identity. The address and social security number of a judgment debtor are routinely used in the judgment lien placed upon real property. These items should be made available electronically because of their specific use related to the case. The other identification items mentioned -- telephone number, social security number, and home address of parties other than judgment debtors and gender and race of any party -- should not be made available on-line on a case by case basis. The courts provide the name of the party and sufficient information to confirm with reasonable assurance the identity of the person. The courts should not become an electronic registry for other personal identification information. The city and zip code of a party can be provided electronically.

Gender and race of a party may serve a benefit for statistical research regarding the operation of the courts. As provided in the previous section, compiled data, from which is removed information identifying a specific person, can include gender and race information. In such a compiled format, there is no invasion of privacy.

---

[5] §63-2-302.

Case Information

Information associated with the case, as opposed to information associated with the persons involved in the case, will be made available electronically on a case by case basis. The full list of data elements that will be made available is shown in Rule 4-202.12(2)(B).[6] In developing this list, the committee required of the information a reasonably high degree of reliability in accuracy and timeliness. The committee is concerned that the sentencing information in the computer is often incomplete. The intricacies of sentencing and the minimal time available to the clerk to enter the sentence in the computer will probably lead to incomplete and inaccurate electronic records of sentences. However, there is no deficiency in the design of the computerized sentencing screens. The committee reviewed the sentencing screens developed by the clerks and found them to be compatible with detailed and complete record keeping. In misdemeanor cases, the electronic record of the sentence is probably the most accurate and precise record available.

The committee recommends, therefore, that the electronic record of the sentence in individual cases be made available on-line. To ensure that the on-line user has every opportunity to obtain complete and accurate information, the committee recommends that system designers include on the screen and on any printed page a notice that the information in the computer is merely an abstract of a fact or of an event and that the user should review the case file, which is the official record, to confirm the data. This notice should apply to all on-line information, not only to sentencing information.

Case by Case Inquiries

Making records available one at a time is an inherent limitation if the records are maintained in a paper format. Even if one obtains a stack of paper records, one can review only a single record at a time. Limiting access to electronic records to one record at a time is a more artificial restriction and one that the committee recognizes can, for all practical purposes, be easily overcome.

The committee anticipates and encourages the use of the computer as the primary method of obtaining court records. Computer access removes significant physical barriers to court information and will reduce the clerical task of providing paper records. This will probably be through the courts' on-line information service, sometimes referred to as Xchange, accessed through the use of a modem and telephone line. Ultimately, this information may be part of the courts' world wide web home page.[7] This on-line connection will permit the transfer of data from the courts' computer directly to the requester's computer. The courts' computer will transfer the data one case at a time. However, depending upon the rate at which the requester's computer can receive the data, the transfer of virtually the entire data base could be accomplished within a matter of hours. In essence, the requester can avoid the limitations on

[6] The term "party" is used in many of the field descriptions. In CORIS the term "parties" includes not only the names of litigants, but also the names of the attorneys in the case. The field "party type" differentiates between litigants and attorneys.

[7] http://courtlink.utcourts.gov/

compiled data by obtaining the entire data base, or a substantial portion of it, on a case by case basis in a relatively short period of time. This is yet another reason the committee recommends limiting the fields of information available through the computer to those listed in the rule.

As an alternative to restricting the fields of information electronically available, the committee considered several physical access barriers, but each one considered could easily have been avoided until the barriers bordered on the absurd. These barriers are not effective in protecting privacy interests when computers are involved.

Limiting the amount of time per call promotes access by a variety of users and is permitted in the rules. In managing the public on-line services, administrators should have the ability to set reasonable time limits to ensure that all subscribers have the opportunity to gain access to the system. These limits might vary by time of day. If it develops that there are identifiable peak times, the time limit might be relatively short. During non-peak times, the time limit should be extended. The draft rule does not set the time limits, but permits the limits to be established by system administrators.

The balance between the independence of the judicial decision making process and the availability of computerized information was the most difficult issue debated by the committee. The court, as an institution of government, cannot act except through its officers, the judges. One of the main purposes of GRAMA and of Judicial Council rules governing records access is to allow the public the opportunity to observe what it is their government is doing. The court, and by extension the judge, have no privacy interest, but the court does have an interest in ensuring that access to and the resulting use of public information does not improperly influence the judge rendering a decision in a particular case.

The characteristics of a case make each case unique. A change in the facts, in the law, or in the equities from one case to the next can change the result in the case. Yet the necessity of uniformity created by computerized record keeping requires that the characteristics that make a case unique be forced into predefined parameters recognized by the computer. Add to this the inevitable ambiguities and clerical errors, and the case recorded in the computer may bear only a modest resemblance to the case determined by the judge. The compilation of these cases, in reality unique but in the virtual reality of the computer indistinguishable, might be used improperly to influence the decision of the judge in the next case or to put the judge in a false light. An uninformed analysis of a judge's compiled cases may adversely affect the judge's task: to make an impartial decision within a broad range of discretion based on disputed facts, unclear law, and uncertain equities.

Because judges decide cases on a case by case basis, the committee recommends that the identity of the judge assigned to a case be made available electronically only on a case by case inquiry, and that an index of cases by judge not be made available. This approach informs the person making the inquiry the identity of the judge assigned to the subject case, but will not inform the inquirer of all the cases assigned to the subject judge.

The committee struggled with a proposal to prohibit electronic access to the identity of the judge assigned to a case even on a case by case basis. Access to the courts' public on-line

services enables one to copy data from the courts' computer to one's own. Although access is technically limited to one case at a time, the speed with which the computer can copy one record and move to the next enables an inquirer to copy all of the public portion of the data base in a relatively short period of time. After copying the public data base, which includes the name of the judge as a field, the inquirer can create an index by that or any other field. This ability essentially defeats the purpose of not providing an index by judge. The alternative, however, of not including such a basic piece of information as the identity of the judge on a case by case basis is not acceptable.

Fees

Although Rule 4-202.08 of the Judicial Council regulating fees was only recently promulgated, the committee recommends that it be repealed and reenacted. The first paragraph of the rule establishes the organization within the court that maintains the account receivable, the timeliness of payment, and the penalties for non-payment. The second paragraph recognizes the statutory principle that the organization providing the record can receive the fee as an offset to its operating expenses.

The rule reflects the variety of media in which copies might be made and the cost of each. The fees are designed to reflect those charged in a competitive marketplace. The fees for copies on paper, audio tape, video tape, and floppy disk remain the same. The fee for records copied to compact disk is new. The fee for records copied to microfiche is new, but represents the current fee charged in the Third Judicial District of $1.00 per microfiche card.

The fees for the audio and video tape records are designed to include the personnel time required to prepare them and other overhead costs. Because they are routinely requested, separating the total cost into its component parts of raw materials, operations, maintenance, and personnel would be unduly burdensome. The fee for mailing is amended to be the actual cost of mailing rather than a fixed $3.00 fee. Mailing includes the cost of transmittal by any carrier, not just the U.S. Postal Service.

The fees for personnel time reflect the statutory plan to recover costs of the lowest paid group capable of performing the function. The fees are based on the average actual salary and benefits of current employees in each group. If we hire a consultant to assist on a records request project, the cost of the consultant would be passed through to the requesting party.

The committee recommends that the existing structure of charges for subscription to the courts' public on-line services be modified. Currently, the charge is a fixed $30.00 per month. The committee recommends that this be bifurcated to a $20.00 per month subscription fee and $.50 per minute of access. If this change is adopted, each user would reach the break even point after 20 minutes of access per month. Beyond that time, the user would pay more under the rule than currently. The committee believes that this fee structure will encourage the use of the public on-line services by small users without significant monetary impact upon the larger users. It

should also encourage the efficient use of the system so that users do not log on to the system and let the connection be idle.

The committee's analysis of these fees leads to the conclusion that the judiciary cannot recoup its investment in the hardware and software necessary to make this system work. The fees provided for in Rule 4-202.08 represent the maximum reasonable fee in the current marketplace.[8] Yet, assuming a five year amortization of capital costs and adding operations and maintenance costs, the fees are likely to recover over that five year period only about half of the total costs. We were not able to factor in the costs saved by freeing clerks from some of the responsibility for records searches that might now be done by computer.

Clearly, the courts have not entered into this venture for monetary profit. The courts must be satisfied with the added benefit of serving the public in an improved, more timely manner.

In its original report, the committee proposed a "commercial surcharge" of 50%. After further consideration, the committee recommends that there be no surcharge for copies of records. As originally proposed, the commercial surcharge was very narrowly drawn to include only entities that obtained court records with the intent to contact the subject of those records for profit, such as direct mail or direct call advertising. Several people objected to this provision. Although the commercial surcharge would not have applied to the media, media representatives argued that the purpose to which the information would be put should not be a factor in establishing fees. Others argued that commercial enterprises pay taxes that support the courts and should not bear a burden beyond the usual fee. This latter observation is true of Utah commercial interests, but it does not apply to the many out of state businesses requesting records. In the end, the committee concluded that the surcharge would be difficult to enforce, and we recommend that it not be adopted.

Several people commented that the courts should charge no fee for on-line access to electronic records. The ABA has adopted a position opposed to fees for on-line record access.[9] The media have argued that they not be charged the fees assessed others who request court records. The committee does not agree with these positions. All of government is supported by some combination of general tax dollars and user fees. This policy distributes the cost of the government, in this case the courts, to the general public because of the significant benefits rendered to the public, and to the direct users of the courts, who are required to pay for the services provided them.

The media have no different status than the public at large. The media should have no greater and no lesser access to court records than the public at large. All courthouses have computer terminals available for use at no charge. These terminals provide all of the information available through a subscription to the public on-line services. Clerks are available at the courthouse to assist with inquiries. The first 15 minutes of that assistance is rendered without charge.

---

[8] The committee notes that the Federal District Court for Utah, effective June 1, 1995, has lowered its per minute access fee from $1.00 to $.75.

[9] "Be it resolved, that the American Bar Association urges federal, state and local courts to provide computer on-line access to court and docket information to members of the profession and to the general public at no direct cost to the user." As reported, ABA Journal October, 1995.

The committee agrees that eliminating fees for this important service is a sound objective, but it is not economically feasible. The Legislature has never fully funded the obligation to provide access to records. Recognizing this, the Legislature has delegated to the judicial and executive departments of government the authority to establish fees. The fee structure developed and recommended by the committee is based only on the cost of making electronic records available; it does not include any of the cost of making electronic records. The fees recommended by the committee are calculated to recoup only about half of the cost of providing court records.

More and more frequently federal, state, and local government agencies are charging each other for their services. The committee believes this to be poor public policy. The taxpayer, who must ultimately pay for the cost of the service obtains no benefit. At best the burden may be shifted from property taxes to income taxes or from income taxes to sales taxes, depending on which tax base supports the government agencies involved. Moreover, the practice creates additional overhead in order to pay, receive, record, distribute, and audit the transaction. Nevertheless, the committee recommends that the judiciary charge fees for records access by other governmental agencies, unless that agency agrees to provide its records to the courts without charge. The judiciary appears to be one of the few government units that does not charge other government users for its services.[10] In this posture, the judiciary is spending more resources to obtain records from other agencies, but is not recouping any of its costs in providing records to others.

Intellectual Property

The committee discussed the role of intellectual property and records access. When information is compiled in a unique manner, the compilation may qualify for copyright protection. As a corollary to increasing computer technology, we will be compiling information in new and unique ways. The courts may have many copyrightable reports and other works.

The access principles for intellectual property are different from other types of government records. Access to intellectual property can be restricted or allowed, as the judiciary sees fit, as long as the rules are in the public interest. Also, a profit can be had from disseminating intellectual property. These differences allow the judiciary greater control over its copyrightable records. The greater control can be used to place a heavier burden on the commercial users of court information

[10] In the case of civil filings fees, this is because of a statutory prohibition. §21-1-5. However, that prohibition does not apply to fees charged for access to records. §63-2-203.

The committee found that the idea of intellectual property has merit, but there are many issues to be resolved. The committee recommends that the Judicial Council form a new task force to look at the ways the concept of intellectual property may be used in the courts, and to set rules for that use.

Bibliography

Freedom of Information Act, 5 U.S.C. 552.

Legislative History of the Privacy Act of 1974, United States Senate and House of Representatives Committees on Government Operations, September 1976.

Government Records Access and Management Act, Utah Code Annotated, Title 63, Chapter 2.

United States Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749, 109 S.Ct. 748, 103 L.Ed. 2d 774 (1989).

In the Matter of N.H.B., 769 P.2d 844 (Utah App. 1989).

Arizona Judicial Council, Rule for Public Access to the Judicial Record of the State of Arizona, Draft: March 1994.

Attorney General of Arkansas, Arkansas Freedom of Information Handbook, January 1992.

Indiana Supreme Court, Guide to Implementation of Administrative Rule 9: Confidentiality of Court Records, October 1992.

Utah Judicial Council, Code of Judicial Administration 4-202.01 through 4-202.10.

Washington Judicial Information System Committee, Data Dissemination Policy, Draft December 1994.

Washington Judicial Information System Committee, Checklist for Creation of Data Dissemination Policy.

Bunker, Matthew D., Splichal, Sigman L., Chamberlin, Bill F., and Perry, Linda M., Access to Government-Held Information in the Computer Age: Applying Legal Doctrine to Emerging Technology, 20 Florida State University Law Review 543 (1993).

Ford, Jacklyn J., State Laws and Privacy: Striking the Balance for Employee Data, The Data Law Report, May 1994.

Mirrell, Douglas E., and Fainer, David C., Jr., Delinquency Hearings and the First Amendment: Reassessing Juvenile Court Confidentiality Upon the Demise of “Conditional Access,” 13 University of California, Davis Law Review 123 (1979).

Perritt, Henry H. Jr., Electronic Acquisition and Release of Federal Agency Information: Analysis of Recommendations Adopted by the Administrative Conference of the United States, 41 Administrative Law Review 253 (1989).

Roberts, Debra The Right of Public Access to Court Records, Draft: July 1994 (Unpublished).

Rosenbaum, Joseph I., Privacy, The Data Law Report, January 1994.

Scott Davidson, Sandra, Suggestions for a Model Statute for Access to Computerized Government Records, 2 William and Mary Bill of Rights Journal 29 (1993).

Trubow, George B., Information Technology and the Judiciary, Address to the Utah Judicial Council August 1994, (Unpublished).